

Trevino et al.

S/N: 09/683,130

REMARKS

In the Advisory Action mailed August 25, 2005, the Examiner indicated that the amendments made August 8, 2005 would not be entered because "[t]hey raise new issues that would require further consideration and/or search" and "[t]hey are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal." Advisory Action, August 25, 2005.

Specifically, the Examiner stated that "[t]he incorporation of all of claim 12 and part of claim 10 into claim 9 creates a claim with a new scope." Continuation Sheet of the Advisory Action, August 25, 2005. The Examiner also stated that the word "may" has been interpreted as optional language and that "[t]he phrase starting at wherein and ending at the end of the claim is neither a step nor does it further describe a step." Id. The Examiner further stated that "[i]n order to correct the problems listed above the examiner suggests that the wherein statement be rewritten into a positively recited step. . . ." Id.

Applicant appreciated the Examiner's suggestions and has amended claim 9 to incorporate the subject matter of claims 10 and 12 to retain the original claim scope. Applicant has also amended claim 9 to positively recite that previously called for in claims 10 and 12. Additionally, Applicant has amended claim 11 to positively recite that called for therein.

Applicant believes that amending claims 9 and 11 as suggested by the Examiner either places these claims in condition for allowance or reduces and simplifies the issues for appeal. Applicant appreciates entry of the above amendments.

Respectfully submitted,



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